

REMARKS

By this amendment, claims 1 and 3-11 have been amended, and claim 2 has been cancelled without prejudice. This amendment is made to more clearly recite the claimed invention, does not add prohibited new matter and is fully supported by the specification. Reconsideration and withdrawal of the rejections set forth in the outstanding Office Action are respectfully requested in view of the following remarks.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 2, 3, 5-7, 9, and 10 contain allowable subject matter. Applicants note that allowable claims 3, 5, 6, 7, 9, and 10 have been rewritten in independent form. Claims 1, 8, and 11 have been amended to substantially incorporate the allowable elements of claim 2. Claim 4 has also been rewritten in independent form, substantially incorporating the elements of claim 1.

Objections to the Claims

The Office Action objects to claim 11 due to a typographical error. Without agreeing with or acquiescing to the objection, Applicants note that claim 11 has been amended to address this concern. Therefore, Applicants respectfully request that the Examiner withdraw the outstanding objection to claim 11.

Rejections under 35 U.S.C. § 102(b)

The Office Action rejects claims 1, 8, and 11 under 35 U.S.C. § 102(b) as being anticipated by Ohtsuki et al. (U.S. Patent No. 6,477,282, hereinafter "OHTSUKI"). Without agreeing with or acquiescing to the rejection, Applicants note that claims 1, 8, and 11 have been

amended to substantially incorporate elements of allowable claim 2. In view of the above, Applicants submit OHTSUKI does not disclose all of the elements of claims 1, 8, and 11, particularly as now amended (as required under 35 U.S.C. § 102(b)), and respectfully request withdrawal of the outstanding rejections.

Rejections under 35 U.S.C. § 103(a)

The Office Action rejects claim 4 under 35 U.S.C. § 103(a) as being obvious over OHTSUKI. Applicants respectfully traverse the ground of the rejection.

Initially, Applicants note that the Office Action acknowledges that OHTSUKI fails to disclose all of the elements of claim 4 (*e.g.*, the claimed threshold value calculation device and the claimed binarizer). Yet, the Office Action maintains that “it would have been required to apply criteria or thresholds, regarding luminance or intensity, in order to achieve binarization.” Applicants respectfully disagree with this interpretation of the cited art.

It appears that the Examiner is arguing that OHTSUKI *inherently* discloses the elements of claim 4. However, such an inherency argument is only proper for rejections under 35 U.S.C. § 102 (not rejections under 35 U.S.C. § 103). Furthermore, Applicants note that binarization may be performed by a device which does not use threshold values based on luminance (as in the claimed invention). Thus, Applicants submit that OHTSUKI does not *inherently* disclose the features of claim 4, simply because OHTSUKI discloses binary images.

Applicants also submit that the teachings of OHTSUKI do not support the Examiner’s conclusion, as there is no mention of threshold value for binarization corresponding to luminance in OHTSUKI. Furthermore, Applicants note that the Office Action does not cite any portion of OHTSUKI to support the assertion that “it would have been required to apply criteria or thresholds, regarding luminance or intensity, in order to achieve binarization.” Because

OHTSUKI fails to disclose all of the elements of claim 4 and the Office Action does not clearly explain how one skilled in the art would have the necessary guidance or reasons to modify the teachings of OHTSUKI in the manner suggested by the Examiner, Applicants submit that OHTSUKI neither anticipates nor renders obvious all of the elements of claim 4. Therefore, Applicants respectfully request withdrawal of the outstanding rejection of claim 4 under 35 U.S.C. § 103(a).

CONCLUSION

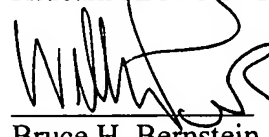
In view of the foregoing, it is submitted that the Examiner's rejections should be withdrawn. Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested are now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Authorization is hereby provided to charge any fee to maintain the pendency of the application, including any extension of time and/or claim fee, to Deposit Account No. 19-0089. If the Examiner has any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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